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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,188	12/26/2000	Risvan Coskun	71493-742/jpw	2927
293	7590	09/22/2004	EXAMINER	
DOWELL & DOWELL PC 2111 Eisenhower Ave. Suite 406 Alexandria, VA 22314			BEAMER, TEMICA M	
			ART UNIT	PAPER NUMBER
			2681	9
DATE MAILED: 09/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/746,188	COSKUN ET AL.
	Examiner	Art Unit
	Temica M. Beamer	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 June 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5-14,17,18 and 20-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-3, 5-14, 17, 18, 20-29 is/are allowed.

6) Claim(s) 24, 25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/30/04 with respect to the rejection(s) of claim(s) 1-3, 5-14, 17, 18 and 20-29 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection for claims 24 and 25 is made in view of Comroe and admitted prior art.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comroe in view of admitted prior art.

Regarding claim 24, Comroe discloses a wireless communication network comprising first and second RAP's (figures 6A-6B) that operate to communicate with mobile terminals within at least first and second radio sectors respectively (figures 1 and 4); and a computing apparatus that operates to detect if a mobile terminal communicating with the first RAP requires a hard-handoff from the first radio sector to the second radio sector (i.e., from one sector having a first frequency to a second sector

having a second frequency) (col. 7, lines 12-33); to attempt to allocate at least one resource associated with the second RAP to the mobile terminal if a hard handoff is required (col. 7, lines 12-33).

Comroe, however, fails to disclose requesting the mobile terminal to be placed in a dormant mode if the attempt to allocate resources fails.

As admitted by the applicant, such a feature is well known in the art (specification, page 6, lines 25-29 and page 7, lines 1-15).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Comroe with the teachings of well known prior art for the purpose of reducing the need to tear down communications when resources are not immediately available.

Regarding claim 25, the combination of Comroe and well known prior art discloses a network according to claim 24, wherein the computing apparatus comprises inherently a Handoff Manager (HM) and a Radio Link Access (RLA), the HM performing the operation of detecting and the RLA performing the attempting and requesting with instructions from the HM (Comroe, figure 4).

#### ***Allowable Subject Matter***

4. Claims 1-3, 5-14, 17, 18, 20-23 and 26-29 are allowed.
  
5. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to suggest or render obvious instructing mobile terminals to be

placed in a dormant mode after a determining that resources are unavailable for a hard-handoff, wherein during the dormant state, the mobile terminal suspends communication with the first radio sector it is in communication with.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer  
Examiner  
Art Unit 2681

September 20, 2004

